

From: [Kopplin, Rebecca M. \(CIV\)](#)
To: [Thompson, Natalie](#); [Hunker, Kathleen](#)
Cc: [Vega, Oliver](#); [Saunders, Elizabeth](#)
Subject: RE: VRLC v. Cardona, 1:20-cv-11104-WGY
Date: Thursday, September 16, 2021 9:37:57 AM

Hi Natalie,

FYI, we don't plan to appeal the July 28 decision in the above-captioned case.

Best,

Rebecca

Rebecca M. Kopplin

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From: Thompson, Natalie <Natalie.Thompson@oag.texas.gov>
Sent: Tuesday, August 17, 2021 3:38 PM
To: Kopplin, Rebecca M. (CIV) <Rebecca.M.Kopplin@usdoj.gov>; Hunker, Kathleen <Kathleen.Hunker@oag.texas.gov>
Cc: Vega, Oliver <Oliver.Vega@lewisbrisbois.com>; Saunders, Elizabeth <Elizabeth.Saunders@oag.texas.gov>
Subject: RE: VRLC v. Cardona, 1:20-cv-11104-WGY

Rebecca,

Thank you very much for your prompt response. We would very much appreciate the courtesy of notice when the Government does make a decision about appeal. As I'm sure you know, Texas has a pending interlocutory appeal of our motion to intervene to which the parties' next steps are relevant.

Don't hesitate to call Kathleen or me to discuss. Thanks again.

Best,
Natalie

Natalie D. Thompson

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From: Kopplin, Rebecca M. (CIV) <Rebecca.M.Kopplin@usdoj.gov>
Sent: Tuesday, August 17, 2021 9:34 AM
To: Hunker, Kathleen <Kathleen.Hunker@oag.texas.gov>
Cc: Vega, Oliver <Oliver.Vega@lewisbrisbois.com>; Thompson, Natalie <Natalie.Thompson@oag.texas.gov>; Saunders, Elizabeth <Elizabeth.Saunders@oag.texas.gov>
Subject: RE: VRLC v. Cardona, 1:20-cv-11104-WGY

Dear Ms. Hunker,

I don't have any information to share on those topics at this point—we're still in the process of evaluating our litigation options.

Warm regards,

Rebecca

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From: Hunker, Kathleen <Kathleen.Hunker@oag.texas.gov>
Sent: Monday, August 16, 2021 4:10 PM
To: Kopplin, Rebecca M. (CIV) <Rebecca.M.Kopplin@usdoj.gov>
Cc: Vega, Oliver <Oliver.Vega@lewisbrisbois.com>; Thompson, Natalie <Natalie.Thompson@oag.texas.gov>; Saunders, Elizabeth <Elizabeth.Saunders@oag.texas.gov>
Subject: VRLC v. Cardona, 1:20-cv-11104-WGY

Dear Ms. Kopplin,

I represent the State of Texas in the above matter. On July 28, 2021, the U.S. District Court for the District of Massachusetts issued an order for judgment in *VRLC v. Cardona*, 1:20-cv-11104-WGY. In that order, the Court upheld the vast majority of the Department of Education's 2020 Title IX Rule but found Section 106.45(b)(6)(i)'s prohibition of statements not subject to cross-examination to be arbitrary and capricious. I write to inquire whether the Department: (1) intends to appeal the court's finding that Section 106.45(b)(6)(i) violates the Administrative Procedure Act; and (2) intends to defend the upheld portions of the Title IX Rule should the plaintiffs elect to appeal.

Thanks in advance for your prompt response.

Kathleen Hunker

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